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**NCSBN**  
*Leading in Nursing Regulation*

National Council of State Boards of Nursing, Inc.  
111 E. Wacker Drive, Suite 2900  
Chicago, IL 60601-4277  
312.525.3600  
312.279.1032 fax  
www.ncsbn.org



January 8, 2004

Mr. Donald S. Clark  
Office of the Secretary  
Federal Trade Commission (FTC)  
600 Pennsylvania Ave. NW  
Washington, DC 20580

Attention: David Hyman, Special Council to the FTC

Re: Letter from the National Board for Certification of Hospice and Palliative Nurses

The National Council of State Boards of Nursing (NCSBN) recently learned that on September 30, 2003, the National Board for Certification of Hospice and Palliative Nurses (NBCHPN) submitted a letter to you regarding NCSBN with respect to the Federal Trade Commission's Hearings on the Health Care and Competition Law and Policy. The NBCHPN's submission, while addressing their own specific situation, largely raises concerns similar to those previously raised by the National Association of Clinical Nurse Specialists (NACNS) regarding certain initiatives undertaken by the NCSBN on behalf of its member boards of nursing in investigating appropriate regulatory policy for advanced nursing practice.

NCSBN responded to the NACNS testimony by letter dated July 31, 2003 (a copy of which is enclosed for your convenience) and serves as our response to NBCHPN as well. We wish only to emphasize the following points. First, the NCSBN Advanced Practice Task Force's recommendations in favor of broad graduate education and examination requirements for advanced practice licensure is based on careful study and experience of state boards of nursing which shows that such broad-based preparation is necessary to enable advanced practice nurses to practice safely and to recognize and diagnose a wide range of commonly occurring health problems. These standards protect public health and safety and promote high quality nursing care by ensuring that advanced practice nurses are properly educated and tested.

Second, NCSBN's recommendations are only that – recommendations that the state boards of nursing are free to adopt or reject. NCSBN has no authority and has never attempted to impose on its members any mandatory regulatory standards.

Third, any advanced practice nursing association is free to continue to offer certification on whatever basis they choose and nurses are free to hold themselves out to the public as so certified when practicing in areas of specialization such as palliative care. Such associations and individual nurses may also advocate a more narrow, disease or condition-specific focused, certification examination and state boards of nursing are not limited due to any action by NCSBN from accepting this certification examination for licensure purposes.

We would appreciate the opportunity to answer any questions you may have. You can contact Kathy Apple, Executive Director at [kapple@ncsbn.org](mailto:kapple@ncsbn.org) or (312) 525-3610 if the FTC or the Department of Justice requires any additional information regarding this matter.

Sincerely,

Donna M. Dorsey, MS, RN, FAAN, NCSBN President

Cc: Kathy Apple, NCSBN Executive Director  
NCSBN Board of Directors  
NCSBN Member Board Executive officers  
Tom Abrams, Legal Counsel to NCSBN, Vedder Price  
Nancy Chornick, Director Credentialing and staff to the Advanced Practice Task Force  
NCSBN Advanced Practice Task Force